## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

2 SISTERS FOOD GROUP, INC.

Employer

and

Cases 21-RC-21137 21-CA-38915 21-CA-38932

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL 1167

Petitioner

## **DECISION AND ORDER**

The National Labor Relations Board<sup>1</sup> has considered several objections to an election held on July 17, 2009, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 66 for the Petitioner, 87 against, 2 void ballots, and 24 challenged ballots, a sufficient number to affect the results of the election.

The Board has reviewed the Report on Challenged Ballots and Objections and Order Consolidating Cases and Notice of Hearing, the Petitioner's exceptions and brief,

\_

<sup>&</sup>lt;sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Teamsters Local 523 v. NLRB*, \_\_\_F.3d\_\_\_, 2009 WL 4912300 (10th Cir. Dec. 22, 2009); *Narricot Industries, L.P. v. NLRB*, 587 F.3d 654 (4th Cir. 2009); *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanter, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).

and has adopted the Regional Director's findings and recommendations,<sup>2</sup> and remands this proceeding to the Regional Director for further appropriate action consistent with this decision.

## **ORDER**

IT IS ORDERED that this proceeding is remanded to the Regional Director for further appropriate action consistent with this decision.

Dated, Washington, D.C., February 4, 2010.

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

<sup>&</sup>lt;sup>2</sup> No party excepted to the Regional Director's recommendation to order a hearing on the challenges and certain objections, and to consolidate these issues with pending unfair labor practice cases.